



PERMAN & GREEN
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FAIRFIELD, CT 0682

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APR 27 2006

OFFICE OF PETITIONS

In re Application of :
Janesky : DECISION ON PETITION
Application No. 10/785,303 :
Filed: February 24, 2004 :
Atty. Dkt. No.: 257-011351- :
US(PAR) :

This is a decision on the petition under 37 CFR 1.137(b), filed April 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 8, 2008 for failure to timely file a proper reply to the final Office action mailed July 7, 2005. A reply and an extension of time request were filed December 7, 2005. The reply failed to place the application in condition for allowance, as indicated in the Advisory Action mailed December 23, 2005. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the final Office action is accepted as having been unintentionally delayed.

The Notice of Appeal has been entered and made of record. The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

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Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the request for two month extension of time submitted herewith was filed subsequent to the maximum period obtainable for reply, this fee is unnecessary. Petitioner may request a refund of the previously submitted \$285.00 extension of time fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions